

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Gary W. Davis Jr.
Debtor(s)

Bankruptcy Case No.: 19-22086-JAD
Issued Per 1/30/2020
Chapter: 13
Docket No.: 34 – 31
Concil. Conf.: January 30, 2020 at 03:00 PM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated November 22, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. *A final plan conciliation conference will be held on Jan. 30, 2020 at 03:00 PM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.* If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- H. Additional Terms: The secured claim(s) of the following creditor(s) shall govern as to claim amount, to be paid at the modified plan interest in a monthly amount to be determined by Trustee to pay in full: Claim No. 2–2 of Clearview Federal Credit Union.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

- A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.
- B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).
- C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.
- D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.
- E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.
- F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any *secured claim* that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: January 31, 2020

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Gary W. Davis, Jr.
 Debtor

Case No. 19-22086-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: msch
 Form ID: 149

Page 1 of 2
 Total Noticed: 20

Date Rcvd: Jan 31, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 02, 2020.

db +Gary W. Davis, Jr., 1143 9th Street, McKees Rocks, PA 15136-2335
 15057308 ++COLUMBIA GAS, 290 W NATIONWIDE BLVD 5TH FL, BANKRUPTCY DEPARTMENT, COLUMBUS OH 43215-4157
 (address filed with court: Columbia Gas, Bankruptcy Notice, PO Box 2318, Columbus, OH 43216-2318)
 15064359 +COMCAST, PO BOX 1931, Burlingame, CA 94011-1931
 15057307 Clearview Federal Credit Union, 1453 Beers School, Coraopolis, PA 15108
 15057313 +National Enterprise System, Re: Synchrony Bank, 2479 Edison Blvd, Unit A, Twinsburg, OH 44087-2476

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Feb 01 2020 04:12:52
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15057306 +E-mail/Text: bankruptcy@clearviewfcu.org Feb 01 2020 04:07:07
 Clearview Federal Credit Union, Attn:Bankruptcy, 8805 University Blvd, Moon Township, PA 15108-4212
 15057309 +E-mail/Text: documentfiling@lciinc.com Feb 01 2020 04:05:39 Comcast, PO Box 719, Toledo, OH 43697-0719
 15057310 +E-mail/Text: convergent@ebn.phinsolutions.com Feb 01 2020 04:07:49
 Convergent Outsourcing, Inc., Attn: Bankruptcy, Re: Columbia Gas Of Pennsylvania, Po Box 9004, Renton, WA 98057-9004
 15057311 +E-mail/Text: bankruptcy_notifications@ccsusa.com Feb 01 2020 04:08:22
 Credit Collection Services, Attn: Bankruptcy/Comcast, 725 Canton St, Norwood, MA 02062-2679
 15057312 +E-mail/Text: mrdiscen@discover.com Feb 01 2020 04:05:48 Discover Financial, Attn: Bankruptcy Department, Po Box 15316, Wilmington, DE 19850
 15061625 +E-mail/Text: mrdiscen@discover.com Feb 01 2020 04:05:48 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 15094112 +E-mail/Text: kburkley@bernsteinlaw.com Feb 01 2020 04:08:08 Duquesne Light Company, c/o Bernstein-Burkley, P.C., 707 Grant St., Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
 15057314 +E-mail/PDF: cbp@onemainfinancial.com Feb 01 2020 04:10:32 OneMain Financial, Attn: Bankruptcy, 601 Nw 2nd Street, Evansville, IN 47708-1013
 15076234 +E-mail/PDF: cbp@onemainfinancial.com Feb 01 2020 04:11:24 Onemain, PO Box 3251, Evansville, IN 47731-3251
 15098721 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Feb 01 2020 04:11:46
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 15057315 +E-mail/Text: bankruptcyteam@quickenloans.com Feb 01 2020 04:07:44 Quicken Loans, 1050 Woodward Ave, Detroit, MI 48226-1906
 15076939 +E-mail/Text: bankruptcyteam@quickenloans.com Feb 01 2020 04:07:44 Quicken Loans Inc., 635 Woodward Ave., Detroit, MI 48226-3408
 15058417 +E-mail/PDF: gecscedi@recoverycorp.com Feb 01 2020 04:10:35 Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15057316 +E-mail/PDF: gecscedi@recoverycorp.com Feb 01 2020 04:10:35 Synchrony Bank/Walmart, Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060

TOTAL: 15

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Quicken Loans Inc.
 cr* +Duquesne Light Company, c/o Bernstein-Burkley, P.C., 707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
 15117451* ++COLUMBIA GAS, 290 W NATIONWIDE BLVD 5TH FL, BANKRUPTCY DEPARTMENT, COLUMBUS OH 43215-4157
 (address filed with court: Columbia Gas of PA, P.O. Box 117, Columbus, OH 43216)
 TOTALS: 1, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 02, 2020

Signature: /s/Joseph Speetjens

District/off: 0315-2

User: msch
Form ID: 149

Page 2 of 2
Total Noticed: 20

Date Rcvd: Jan 31, 2020

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 31, 2020 at the address(es) listed below:

Bryan P. Keenan on behalf of Debtor Gary W. Davis, Jr. keenan662@gmail.com,
melindap662@gmail.com
James Warmbrodt on behalf of Creditor Quicken Loans Inc. bkgroup@kmllawgroup.com
Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,
jbluemle@bernsteinlaw.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteewdpa.com

TOTAL: 5